

PUBLIC NOTICE

US Army Corps of Engineers®

LOS ANGELES DISTRICT

Laguna County Sanitation District
Desilting Project in Orcutt Creek

Public Notice/Application No.: 200500010-MWV

Comment Period: October 25, 2004 through November 24, 2004

Project Manager: Matthew Vandersande (805) 585-2151 matthew.w.vandersande@usace.army.mil

Applicant

County of Santa Barbara
Public Works Department
Laguna County Sanitation District
2400 Professional Parkway, Suite 150
Santa Maria, California 93455

Contacts

Martin Wilder (805) 739-8750
Kathy Kefauver (805) 882-3614

Location

A 5,500-foot-long section of Orcutt Creek west of the City of Santa Maria, Santa Barbara County, California (UTM: Zone 10 725536E 3865981N).

Activity

To remove approximately 20,000 cubic yards of sediment from Orcutt Creek for the purpose of restoring flood conveyance capacity. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - Ventura Field Office
ATTN: CESPL-CO-R-200500010-MWV
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: matthew.w.vandersande@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination - A preliminary determination has been made that an environmental impact statement is not required for the proposed project.

Water Quality - The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management - This project is located outside the coastal zone and a preliminary review indicates that it will not affect coastal zone resources. The California Coastal Commission issued a no effects determination (NE-074-04) on 12 October 2004.

Cultural Resources - The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species - Preliminary determinations indicate that the proposed activity may affect the federally threatened California tiger salamander (*Ambystoma californiense*) (Santa Barbara population) and California red-legged frog (*Rana aurora draytonii*). Therefore, consultation under Section 7 of the Endangered Species Act would be conducted.

Public Hearing - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required


Basic Project Purpose - The basic project purpose comprises the fundamental or essential purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose is flood control.

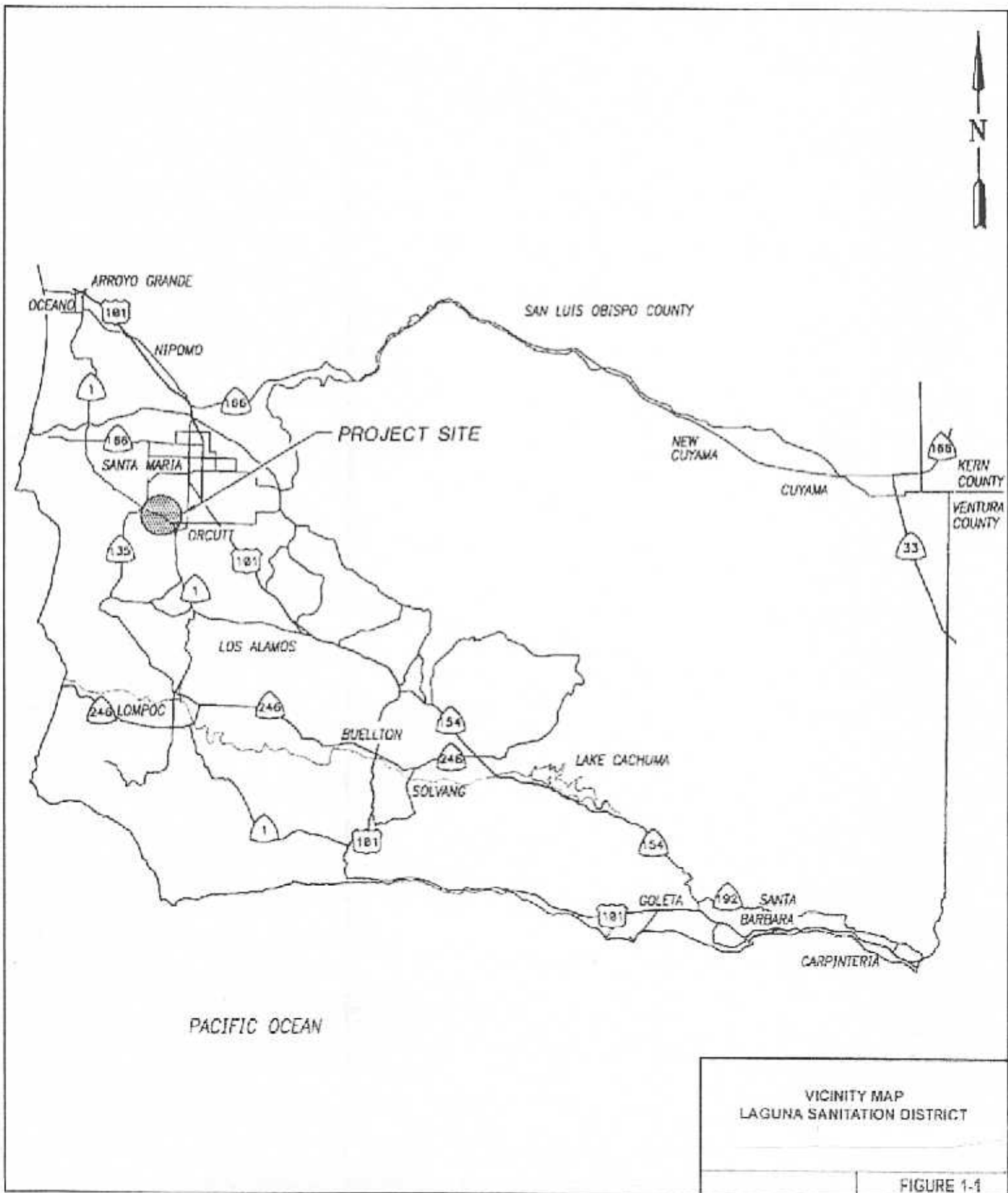
Overall Project Purpose - The overall project purpose is determined by further defining the basic project purpose to describe the applicant's specific project, and serves as the basis for the Corps' 404(b)(1) alternatives analysis. The overall project purpose is to restore flood conveyance capacity in Orcutt Creek in order to protect adjacent land uses (i.e., the Sanitation District's effluent storage ponds and neighboring agricultural interests) from flooding by removing accumulated sediment in the creek.

The proposed project would temporarily impact approximately 2.5 acres of waters of the U.S. and would not result in any permanent impacts. The project is located in the Betteravia Lakes area west of the City of Santa Maria. The project is also referred to as Section 14 of Orcutt/Solomon Creek by the Santa Barbara County Flood Control and Water Conservation District. Levees constructed on both sides of the creek, for the length of the project, channel water past the Sanitation District's effluent storage ponds and neighboring agricultural fields. The proposed project would include: (1) excavating approximately 20,000 cubic yards of sediment from Orcutt Creek using a gradall working from the north bank, and possibly a bulldozer or similar piece of equipment in the channel bottom. The excavation would reduce the creek bed elevation approximately five feet and would impact a section of creek approximately 20 feet wide and 5,500 feet long. The sediment would be deposited nearby in uplands owned by the Sanitation District; and (2) revegetating denuded creek banks in an effort to create a continuous willow canopy that would shade the creek bed and inhibit the growth of silt-trapping vegetation.

Additional Project Information

The Sanitation District has proposed to mitigate for the impacts to waters of the U.S. by restoring approximately two acres of riparian and freshwater wetland habitat adjacent to Orcutt Creek. The restoration site is located on Sanitation District property at the western end of the project site. At present, the triangular-shaped two-acre parcel is periodically tilled and left fallow. The Sanitation District proposes to excavate and remove approximately 15,000 cubic yards of soil from the site in order to establish an elevation that would support aquatic habitat. In addition, the site would be planted with native vegetation.

For additional information please call Matthew Vandersande of my staff at (805) 585-2151. This public notice is issued by the Chief, Regulatory ch.



Solomon Creek

